

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MESA INDUSTRIES, INC.,

Plaintiff,

v.

**Case No. 1:22-cv-160
JUDGE DOUGLAS R. COLE**

**CHARTER INDUSTRIAL
SUPPLY, INC., et al.**

Defendants.

AGREED ORDER GRANTING STIPULATED PRELIMINARY INJUNCTION

This matter came before the Court on Plaintiff's Verified Complaint for Injunctive Relief and Damages ("Verified Complaint") and Plaintiff's Motion for a Temporary Restraining Order and/or Preliminary Injunction and Memorandum in Support. The parties have since advised the Court that the request for a preliminary injunction has been resolved, and the parties have agreed to enter into this Stipulated Preliminary Injunction.

ORDER

Therefore, it is hereby ORDERED as follows:

1. Defendants and their agents (collectively "Defendants"), shall be restrained and enjoined from, accessing, disclosing, and/or using the following documents obtained from any current or former Mesa employee:

a. Plaintiff's Drawings, including:

i. Plaintiff's Application Drawings, which have also been referred to in this litigation as Reference Drawings, and which depict the

positioning, placement and utilization of Plaintiff's products by customers, contractors, or end-users; or

- ii. Plaintiff's Product Drawings, which have also been referred to in this litigation as Manufacturing Drawings, and which depict the specifications of Plaintiff's products for use in manufacturing and assembling the products.

Plaintiff's Drawings are a set of drawings created by Plaintiff in either AutoCAD or Autodesk Inventor depicting Plaintiff's products in individual files (one per drawing), with each drawing saved in its own file in various formats, including PDF (.pdf), AutoCAD (.dwg) and Autodesk Inventor (.ipt, .iam, .idw); and

- b. Plaintiff's Above-Ground Storage Tank Database (defined immediately below):
 - i. Plaintiff's Above-Ground Storage Tank Database is a set of data regarding above ground storage tanks compiled by Plaintiff into a single database in MS access stored in a single MS Access file (.mdb); and
- c. Any printouts or copies, whether electronic or otherwise, of Plaintiff's Application Drawings, Product Drawings, and/or Above-Ground Storage Tank Database; and
- d. Mesa compatibility charts, data sheets, price listings, brochures, or other documents created by Mesa or bearing the Mesa logo.

2. Nothing in this Order prevents Defendants from accessing, disclosing, and/or using information that is included in any of the above referenced documents (1(a)-(d)), provided that the Defendants obtained that information and/or documents from sources other than Plaintiff.

3. It is not a violation of this Order for the Defendants to access, disclose, and/or use Plaintiff's information and/or documents described above, provided that Defendants obtained such information or documents from public sources or from customers, contractors, or end-users.

4. For any of Plaintiff's documents described in 1(a)-(d) above which Defendants obtain from customers, contractors, or end-users after the date of this Order, Defendants shall create and keep a log including the following information:

- a. The source from which Defendants received such documents;
- b. The date on which such documents were received;
- c. The format in which the documents were received, e.g. PDF, hard copy, etc.
- d. The manner in which such documents were received, e.g. email, text message, etc.

Defendants shall make such log, documents, and any related communications (including communications by which such documents were received) available to counsel for Plaintiff within twenty-one days after a written request from Plaintiff and no sooner than twenty-one days after any prior written request from Plaintiff. The

log and any related documents may be marked as Attorney's Eyes Only pursuant to the Stipulated Protective Order (Doc. 22).

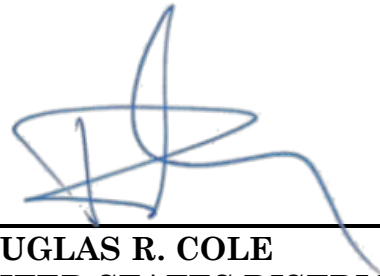
5. This Stipulated Preliminary Injunction is effective immediately and shall remain in effect through the conclusion of this litigation or until further order of this Court.

6. Nothing in this Order is an admission of any kind, nor a waiver or release of any claims or defenses.

SO ORDERED.

August 15, 2022

DATE

A handwritten signature in blue ink, appearing to read 'Douglas R. Cole', is written over a horizontal line. The signature is stylized with loops and a long trailing stroke.

DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE

Agreed to by:

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